

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 369

Introduced by Lynch, 13; Cudaback, 36; Janssen, 15; Schmitt, 41;
Vrtiska, 1; Wehrbein, 2

Read first time January 13, 1999

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to state government; to amend sections 81-190
2 and 81-1108.33, Revised Statutes Supplement, 1998; to
3 provide for the review of certain documents; to provide
4 powers and duties; to harmonize provisions; and to repeal
5 the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-190, Revised Statutes Supplement,
2 1998, is amended to read:

3 81-190. Sections 81-173 to 81-191.01 and section 2 of
4 this act shall be known and may be cited as the Deferred Building
5 Renewal Act.

6 Sec. 2. The task force shall conduct a review of the
7 plans, specifications, and other construction and repair documents
8 and ongoing maintenance requirements for real property, structures,
9 or improvements that may be proposed to be made available to any
10 state agency, board, or commission by means of gift, bequest, or
11 devise pursuant to section 81-1108.33. The task force shall submit
12 a report of its findings and recommendations to the Committee on
13 Building Maintenance.

14 Sec. 3. Section 81-1108.33, Revised Statutes Supplement,
15 1998, is amended to read:

16 81-1108.33. ~~(1)(a)~~ (1) It is the intent of the
17 Legislature that the state will not assume responsibility for the
18 substandard construction, repair, or maintenance of, or for the
19 excessive maintenance or repair costs for, real property,
20 structures, or improvements which will be made available by gift,
21 bequest, or devise to any state agency, board, or commission.
22 Therefor, prior to any construction, repair, or maintenance work on
23 such real property, structure, or improvement, the state building
24 division and the Task Force for Building Renewal shall review the
25 plans, specifications, other construction or repair documents, and
26 potential maintenance requirements as a requirement for acceptance
27 by the state of such real property, structure, or improvement.

28 (2)(a) Any gift of, bequest of, or devise of (i) real

1 property, (ii) a structure, or (iii) an improvement proposed to be
2 made available to any state agency, board, or commission shall be
3 reviewed by the state building division and the Task Force for
4 Building Renewal pursuant to sections 81-1108.15 and 81-1114 and
5 section 2 of this act. Such review shall include any potential
6 matching of state funds, any plans, specifications, and other
7 construction or repair documents reviewed pursuant to subsection
8 (1) of this section, and any potential ~~or~~ maintenance requirements
9 as a condition of acceptance. Subsequent to such review, the state
10 building division and the task force shall submit a report to the
11 Governor, the Committee on Building Maintenance, and the
12 Legislative Fiscal Analyst including a summary of the review of the
13 plans, specifications, and other construction or repair documents
14 and potential maintenance requirements and outlining the terms and
15 conditions of the proposed gift, bequest, or devise along with its
16 recommendation.

17 (b) Any proposed gift of, bequest of, or devise of (i)
18 real property, (ii) a structure, or (iii) an improvement in excess
19 of ten thousand dollars shall be approved by the Governor and the
20 Legislature prior to acceptance. If the Legislature is not in
21 session, the Executive Board of the Legislative Council, after
22 recommendation by the Committee on Building Maintenance, may
23 approve such gift, bequest, or devise along with the Governor.

24 (c) No construction or other work related to the proposed
25 gift, bequest, or devise shall be initiated prior to receiving the
26 approval required by this section.

27 ~~(2)~~ (3) For purposes of this section, gift of, bequest
28 of, or devise of (a) real property, (b) a structure, or (c) an

1 improvement shall include, but not be limited to, a donation of,
2 gift of, bequest of, devise of, or grant of (i) real property, (ii)
3 a structure, or (iii) an improvement from an individual, an
4 organization, a corporation, a foundation, or a similar entity or
5 from a nonfederal governmental agency. For purposes of this
6 section, gift, bequest, or devise shall not include a donation,
7 gift, bequest, devise, or grant of tangible or intangible personal
8 property.

9 ~~(3)~~ (4) This section shall not apply to the University of
10 Nebraska or any Nebraska state college, since these agencies are
11 subject to and participate in statewide facilities planning
12 developed by the Coordinating Commission for Postsecondary
13 Education pursuant to the Coordinating Commission for Postsecondary
14 Education Act.

15 Sec. 4. Original sections 81-190 and 81-1108.33, Revised
16 Statutes Supplement, 1998, are repealed.